

Decision 01-06-019 June 14, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Teligent, Inc., for Authority to Expand Its
Certificate of Public Convenience and Necessity
to Provide Facilities-Based and Resale Local
Exchange Telecommunications Services Within
the Roseville and Citizens Telephone Company
Service Territories.

Application 00-02-024
(Filed February 11, 2000)

O P I N I O N

I. Summary

Teligent, Inc. filed this application for authority to expand its certificate of public convenience and necessity (CPCN) to provide facilities-based local exchange telecommunications services. The CPCN held by Teligent, Inc. was subsequently assigned to Teligent Services, Inc. (Applicant) a wholly-owned subsidiary of Teligent, Inc. The only issue is whether Applicant should be allowed to install microwave antennas on existing buildings or structures. We find that Applicant's existing authority covers the installation of microwave antennas on existing buildings or structures. Therefore, we dismiss the application as moot and close the proceeding.

II. Overview of Application and Procedural Background

By Decision (D.) 97-12-078, we granted Teligent, Inc. a CPCN to provide limited facilities-based local exchange and interexchange service. Local exchange service was limited to the service territories of Pacific Bell and Verizon

California, Inc. We limited the facilities-based authority to the use of equipment located in existing buildings and structures.

On June 29, 1999, Teligent, Inc. filed Petition No. 148 in Investigation 95-04-044 for authority to provide facilities-based and resold local exchange service in the service territories of Roseville Telephone Company (RTC) and Citizens Telecommunications Company of California, Inc. (CTC).

By Advice Letter 27 filed on September 10, 1999, Teligent, Inc. requested assignment of its CPCN to Applicant. The assignment became effective October 1, 1999.

In D.99-10-025, we granted Applicant authority to provide limited facilities-based and resold local exchange service in the service territories of RTC and CTC. We re-docketed the petition as Application (A.) 00-02-024 on February 11, 2000, for the purpose of addressing Applicant's request to install microwave antennas on existing buildings or structures.

Applicant has been previously authorized to operate as a limited facilities-based and resale provider of local and interexchange telecommunications services. Therefore, the only issue before us is compliance with the California Environmental Quality Act (CEQA).

III. Procedural Matters

In Resolution ALJ 176-3034 dated March 2, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. As discussed herein, Applicant already has the necessary authority. Therefore, the application is moot. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

IV. Comments on Draft Decision

This is an uncontested matter in which the Commission determines that it has already granted the requested relief. Therefore, pursuant to Pub. Util. Code § 311(g)(2) the otherwise applicable 30-day period for public review and comment is being waived.

V. CEQA

CEQA requires the Commission, as the designated lead agency, to assess the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced to the fullest extent possible. Applicant proposes to install microwave antennae on existing buildings or structures. The antenna structures consist of a dish shaped antenna one to two feet in diameter mounted on the side of a structure, or mounted on poles approximately seven feet in height attached to the roof of a structure. Pursuant to D.90-08-020 and D.90-08-025, and consistent with General Order 159, installation of microwave antennas on existing buildings or structures as described above is categorically exempt from CEQA.

We have already granted Applicant limited facilities-based authority that is sufficient to cover the proposed antenna installations. Therefore, Applicant needs no further authority from this Commission for installation of such equipment.

VI. Conclusion

We conclude that we have previously granted Applicant the authority requested. Therefore, the application is moot and should be dismissed.

Findings of Fact

1. A notice of the filing of the application appeared in the Daily Calendar on February 17, 2000.

2. No protests have been filed.

3. A hearing is not required.

4. In D.97-12-078, we granted Applicant a CPCN to provide limited facilities-based and resold local exchange service in the service territories of Pacific and Verizon, as well as interexchange service statewide.

5. In D.99-10-025, we granted Applicant authority to provide limited facilities-based and resold local exchange service in the service territories of RTC and CTC.

6. Applicant proposes to install microwave antennas on existing buildings or structures.

7. The antenna structures will consist of a dish shaped antenna one to two feet in diameter mounted on the side of a structure, or mounted on a pole approximately seven feet in height attached to the roof of a structure.

8. Applicant's proposal to install microwave antennas, as described above, on existing buildings or structures is categorically exempt from CEQA.

Conclusions of Law

1. Applicant's current CPCN is sufficient to cover installation of microwave antennas, as described in Finding of Fact 7, on existing buildings or structures.

2. The application is moot.

3. The application should be dismissed.

O R D E R

IT IS ORDERED that:

1. The application is dismissed.
2. This proceeding is closed.

This order is effective today.

Dated June 14, 2001, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

RICHARD A. BILAS

GEOFFREY F. BROWN

Commissioners

Commissioner Carl Wood, being necessarily
absent, did not participate.